

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

HANS A. QUAAK, ATTILIO PO
and KARL LEIBINGER, on behalf of
themselves and those similarly situated,

Plaintiffs,

v.

DEXIA, S.A. and DEXIA BANK BELGIUM
(formerly known as ARTESIA BANKING
CORP., SA),

Defendants.

Civil Action No.: 03-11566 (PBS)

STONINGTON PARTNERS, INC., a Delaware
Corporation, STONINGTON CAPITAL
APPRECIATION 1994 FUND L.P., a Delaware
Partnership and STONINGTON HOLDINGS,
L.L.C., a Delaware limited liability company,

Plaintiffs,

v.

DEXIA, S.A. and DEXIA BANK BELGIUM
(formerly known as ARTESIA BANKING
CORP., SA),

Defendants.

Civil Action No.: 04-10411 (PBS)

GARY B. FILLER and LAWRENCE
PERLMAN, Trustees of the TRA Rights Trust,

Plaintiffs,

v.

DEXIA, S.A. and DEXIA BANK BELGIUM
(formerly known as ARTESIA BANKING
CORP., SA),

Defendants.

Civil Action No.: 04-10477 (PBS)

JANET BAKER and JAMES BAKER,
JKBAKER LLC and JMBAKER LLC,

Plaintiffs,

v.

DEXIA, S.A. and DEXIA BANK BELGIUM
(formerly known as ARTESIA BANKING
CORP., SA),

Defendants.

Civil Action No.: 04-10501 (PBS)

**DEFENDANT DEXIA BANK'S UNOPPOSED MOTION FOR LEAVE TO FILE
OPPOSITION PAPERS UNDER SEAL**

Defendant Dexia Bank Belgium (“Dexia”) hereby moves this Court pursuant to Local Rule 7.2, for orders authorizing the filing under seal, in each of the above-captioned actions, of: (1) the Memorandum of Law in Opposition to Plaintiffs’ Joint Motion to Compel Depositions of Piet Cordonnier, Bart Ferrand and Peter Rabaey dated November 18, 2005 (“Memorandum of Law”); (2) the Declaration of Willy Van Cauwelaert dated November 17, 2005 (“Van Cauwelaert Declaration”); and (3) the Declaration of Jeff E. Butler dated November 18, 2005, together with the exhibits thereto (“Butler Declaration”).

In support of this unopposed motion, Dexia states as follows:

1. On May 31, 2005, the Court entered an Order Governing the Treatment of Confidential Information in each of the above-captioned actions (the “Confidentiality Order”). A true and correct copy of the Confidentiality Order is annexed hereto as Exhibit A. Under the terms of the Confidentiality Order, memoranda of law and declarations containing or disclosing

materials that a producing party has designated as "Confidential Information" must be filed with the Court under seal.

2. On November 4, 2005, Plaintiffs filed with this Court a Motion for Leave to File Motion Papers Under Seal and served Dexia with copies of the underlying motion papers.

3. On November 18, 2005, Dexia filed the instant motion to file its Memorandum of Law in Opposition to Plaintiffs' Joint Motion to Compel Depositions of Piet Cordonnier, Bart Ferrand and Peter Rabaey under seal.

4. On November 18, 2005, Dexia served its Memorandum of Law in Opposition to Plaintiffs' Joint Motion to Compel Depositions of Piet Cordonnier, Bart Ferrand and Peter Rabaey, and the Van Cauwelaert Declaration and the Butler Declaration on all counsel for plaintiffs. *See* Certificate of Service annexed hereto as Exhibit B.

5. The Memorandum of Law and Declarations have not been filed with the Court because all three documents contain information designated confidential under the terms of the Confidentiality Order. As such, all three documents must be filed under seal.

Certification Under Fed. R. Civ. P. 37(a)(2)(b), and Local Rules 7.1(a)(2) and 37.1(b)

Pursuant to Local Rules 7.1(a)(2) and 37.1(b), undersigned counsel hereby certifies that on November 16, 2005, Jeff E. Butler of Clifford Chance US LLP representing Dexia Bank Belgium conferred by telephone with Patrick Rocco of Shalov Stone & Bonner LLP, Steven B. Singer of Bernstein Litowitz Berger & Grossman LLP, Susan M. Davies of Gregory P. Joseph Law Offices LLC, and Karen C. Dyer of Boies Schiller & Flexner, counsel for all Plaintiffs, regarding the instant motion. On behalf of all Plaintiffs, Ms. Davies advised Mr. Butler that Plaintiffs would not oppose the instant motion to file Dexia's opposition to the motion to compel under seal.

WHEREFORE, Dexia respectfully requests that this Court enter an order authorizing the filing under seal, in each of the above-captioned actions, of: (1) the Memorandum of Law in Opposition to Plaintiffs' Joint Motion to Compel Depositions of Piet Cordonnier, Bart Ferrand and Peter Rabaey dated November 18, 2005; (2) the Declaration of Willy Van Cauwelaert dated November 17, 2005; and (3) the Declaration of Jeff E. Butler dated November 18, 2005, together with the exhibits thereto.

Dated: November 18, 2005

Respectfully submitted,

MINTZ LEVIN COHN FERRIS
GLOVSKY & POPEO

By: /s/ Breton Leone-Quick
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